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Report of the Independent Expert on the situation of human rights in Haiti

Note by the Secretariat

The Independent Expert on the situation of human rights in Haiti continues to consider the situation to be very serious but not insuperable, provided that national and international efforts are stepped up. The five priority areas indicated in the previous report are taken up again here: inequality, deprivation of liberty, institutional weakness, impunity and humanitarian crises.

In the present report, the Independent Expert examines in special detail the situation of the elections, which has not yet been resolved, and the deeply worrying situation of Haitians and persons of Haitian origin who, by choice or under duress, are leaving the Dominican Republic for Haiti and are at risk of being left stateless. The Independent Expert visited a camp of such persons to assess the situation on the ground. He also visited a detention centre in Petit-Goâve, where he again observed the extremely inhumane conditions of the country's detention centres and confirmed that the practice of prolonged preventive detention needs to be discontinued.

The Independent Expert repeats his recommendations on boosting literacy efforts and establishing a commission on truth, justice and redress for human rights violations committed in the past and a similar commission for victims of the cholera epidemic.

To ensure proper coordination of these urgent actions, the Independent Expert underscores the need to re-establish the function of Minister for Human Rights (or a similar mechanism) and to reactivate the Interministerial Committee on Human Rights, as well as the need for a concerted human rights action plan for Haiti. This action plan should take into account the recommendations made by the various independent experts and treaty bodies.

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I. Introduction

1. The present report is submitted pursuant to the statement of the President of the Human Rights Council, of 27 March 2015, in which the Council invited the Independent Expert on the situation of human rights in Haiti to undertake a mission to Haiti and to report on that mission to the Council at its thirty-first session (A/HRC/PRST/28/3, para. 16).

2. In the President's statement, the Council agreed to extend the Independent Expert's mandate for one year (para. 12). The present report relates to the period from 1 April 2015 to 10 January 2016 and contains recommendations for the Government of Haiti and the international community. It takes up the five priority areas indicated in the previous report, examining some aspects in greater detail, namely the elections and the situation of persons returning or deported from the Dominican Republic.

3. The Independent Expert undertook a mission to Haiti from 6 to 15 September 2015, followed by a series of meetings in New York from 15 to 18 September. In Haiti, he stayed in Port-au-Prince and visited Petit-Goâve, in the Ouest Department, and Anse-à-Pitres, in the Sud-Est Department on the border with the Dominican Republic.

4. The Independent Expert had also visited Haiti from 22 February to 3 March 2015, two weeks before orally presenting his previous report to the Human Rights Council on 24 March 2015 but after the report had been issued. The present report contains references to the February-March 2015 visit.

5. The Independent Expert wishes to thank all those with whom he met during his visit, especially the Prime Minister, the Ministers for Foreign Affairs, Justice, Education, and Economic Affairs and Finance, the Deputy Minister for Electoral Matters, the Director General of the Ministry of Social Affairs and Labour and the Director General of the Ministry of Women and Women's Rights.

6. The Independent Expert also wishes to thank the four members of the Provisional Electoral Council, the Ombudsman, the mayor of Anse-à-Pitres and the authorities of the Petit-Goâve detention centre, with whom he was able to meet.

7. The support received from the United Nations Stabilization Mission in Haiti (MINUSTAH) was instrumental, as always, in the success of this mission. The Independent Expert wishes to express his appreciation to the Special Representative of the Secretary-General, as well as to all those working with her, in particular in the Human Rights Section. The Independent Expert also wishes to thank the representatives and members of the United Nations programmes in Haiti and New York for their support and for the information they provided.

8. The Independent Expert wishes to thank as well the representatives of the Organization of American States, through whose good offices he was able to meet with members of the diplomatic corps in Haiti. He also expresses his thanks to the ambassadors of the Group of Friends of Haiti with whom he met in New York, hosted by the Permanent Mission of Uruguay to the United Nations.

9. Lastly, the Independent Expert extends his sincere thanks to the many representatives of civil society organizations, political parties, journalists, academics and members of human rights NGOs in Port-au-Prince and the Sud-Est Department with whom he met in Haiti and in New York.

II. Five key aspects of the human rights situation in Haiti

10. Inequality continues to be a serious concern and remains the core cause of the critical situation of human rights in the country. The Independent Expert pointed this out in his first report, in March 2014, in which he encouraged the authorities, the State and the international community to firmly commit to reducing inequality. He urged them to give due consideration not just to the recommendations made by previous experts and rapporteurs of other United Nations bodies and the Inter-American Commission on Human Rights but also to five aspects which for decades have caused great suffering to the people of Haiti. These five areas require intense and focused action to address: (i) the poverty and lack of education prevalent among the majority of Haitians, who are thus denied decent living conditions and have no prospects for the future, (ii) detention conditions that are in most cases inhumane, (iii) irregular operation of the rule of law, (iv) the difficulties faced in guaranteeing that justice is served, in particular with regard to violations perpetrated systematically over the past 50 years and the effects of which are still felt, and (v) other violations, such as forced displacement, the risk of statelessness and the cholera epidemic, which are attributable to other factors, including natural disasters.

11. The five aspects are not new. They are a common thread that runs through the reports of the current Independent Expert and those of his predecessors. Since the last report, there has been little improvement in the human rights situation in Haiti. The situation remains complex but it is not insuperable.

12. To address each of the five aspects, the Independent Expert reiterates his call that a "shock treatment" approach be adopted to: (i) eradicate illiteracy; (ii) resolve, as a matter of urgency, all cases of persons being held in pretrial detention; (iii) ensure transparency and credibility in the holding of the elections; (iv) guarantee redress for the large-scale and systematic violations of human rights perpetrated in the past; and (v) resettle in suitable, long-term housing all of the people displaced by the 2010 earthquake and subsequent disasters who are still living in camps.

13. The Independent Expert's fourth visit to Haiti, in September 2015, provided an opportunity to observe developments in the five aspects mentioned above. A number of improvements had taken place, such as the partial holding of elections and the decrease in the number of people living in camps after the earthquake, but other aspects had not progressed.

14. Before this fourth visit, the Government had realized the seriousness of the problem of elections not being held, as it would lead to the National Assembly closing down in January 2015, and that is in fact what happened. A new Prime Minister had been appointed in December 2014 with the principal aim of ensuring that elections would be held. The dates for the elections were set as 9 August, 25 October and 27 December 2015.

15. In addition, when the June 2015 deadline set by the Government of the Dominican Republic for foreigners to regularize their situation expired, a wave of Haitians and persons of Haitian origin crossed the border: some were being deported by the Dominican authorities, others left out of fear of being deported.

16. The Independent Expert's mission therefore focused on elections and on the situation of Haitians and people of Haitian origin living in camps in Anse-à-Pitres along the southern border of Haiti with the Dominican Republic. The Independent Expert also examined three other aspects requiring urgent attention, namely illiteracy, prolonged pretrial detention and violations committed in the past.

17. In 2012, the Government had established a human rights entity in the form of a Deputy Minister attached to the Office of the Prime Minister, but that function disappeared

with the change of government in December 2014. Under the leadership of the Deputy Minister, the Interministerial Committee on Human Rights had been set up and had begun work on an action plan to promote and protect human rights in Haiti. The preparation of this action plan offered a unique opportunity to incorporate recommendations made by the Independent Expert and by other United Nations bodies. For this, however, it would be necessary to have a human rights entity, attached either to the Prime Minister's Office or to another ministry with sufficient authority to coordinate the work of the government agencies active in this sphere and to broker the adoption of a cross-cutting human rights policy within the executive branch, from where it would subsequently be extended throughout the State and society.

18. In his previous report, the Independent Expert had commended the Government for incorporating a number of international instruments into Haitian legislation and for enacting various laws. However, the Government has still not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance.

19. Haiti has not submitted its fourteenth periodic report to the Committee on the Elimination of Racial Discrimination. It did, however, submit its eighth and ninth periodic reports to the Committee on the Elimination of All Forms of Discrimination against Women in October 2014 and they were reviewed in July 2015; and its initial report was considered by the Human Rights Committee in November 2014.

20. Given that the regular sessions of the National Assembly ended on the second Monday of September 2014, the ratification instruments could not be voted on for the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. This task would fall to the new National Assembly following the legislative elections in 2015.

A. Social inequality and economic, social and cultural rights

21. The deep social inequality that pervades Haitian society lies at the root of the country's critical human rights situation, as manifested in the fact that most Haitians do not enjoy the full exercise of their economic, social and cultural rights.

(a) Priority action to eradicate illiteracy

22. As previously recommended by the Independent Expert, tackling this facet of inequality requires that everyone, without exception, be afforded access to a quality education. The effort needs to focus first and foremost on promptly eradicating illiteracy, which is prevalent among nearly one half of the adult population: the literacy rate among Haitians aged 15 and older stands at 48.7 per cent according to the United Nations Development Programme.[1]

23. Reducing inequality takes time and requires structural programmes that go beyond just providing social assistance. Steps must therefore be taken urgently to promote the right to education, which in turn opens up access to the right to work, to food, to housing and to

[1] See http://hdr.undp.org/en/countries/profiles/HTI.

health. The Independent Expert has made this recommendation previously to the national authorities and to the international community, but there has not been any significant headway in this regard in the country.

24. The Independent Expert met with the Minister of Education, who shared the former's concern that this should be treated as a matter of urgency and resolved as soon as possible. The Minister emphasized that he preferred to speak of "citizenship education" rather than "literacy" as a way of moving away from paternalistic mentalities. He added that his office was in the process of preparing the post-2015 education agenda, which would include preschool education and citizenship education.

25. The Minister said he would like to see his Ministry's budget doubled. The country's education budget, which was not insignificant in relative terms (5 per cent of the gross domestic product and 16 per cent of the national budget), was still insufficient in absolute terms.

26. The Independent Expert hopes that the eradication of illiteracy will be made a priority in Haiti and that it will become a reality reasonably soon. He encourages the Government of Haiti to step up its efforts to eradicate illiteracy in the shortest time frame possible so as to lay a solid foundation for the realization of human rights in the country. He again invites the entire international community to support this effort and to coordinate international cooperation with the Government in this area.

(b) Other aspects of economic, social and cultural rights that merit particular attention

27. In the Independent Expert's two previous reports, it was stated that the majority of Haitians lived in conditions of extreme poverty, considering that 60 per cent earn less than US$ 1 per day; unemployment stands at 60 per cent; in the Global Hunger Index, Haiti had a score of 23.3, placing it in the category of "alarming"; over 44 per cent of the population suffers from malnutrition; 74 per cent of families live in slums;[2] 60 per cent of the population lacks access to basic health care, according to the United Nations Children's Fund (UNICEF); and almost half of the country's boys and girls do not attend school, with only 2 per cent of school-age children completing secondary education.[3]

28. The Strategic Development Plan of Haiti is built around five priorities: (a) education and human and social development (access to education, health, social services and culture, and better quality of habitat); (b) the environment and land use; (c) the economy and employment; (d) energy; and (e) the rule of law and democracy. The outgoing government had aimed to halve the number of people suffering from hunger by the end of 2016 and to eradicate hunger and malnutrition fully by 2025.

29. Although Haiti has made significant progress on most of the Millennium Development Goal indicators and has reached all (or almost all) of its targets,[4] according to a report on the Millennium Development Goals and Haiti, significant challenges remain and the progress made in some sectors is still too limited to have a major impact on development and poverty reduction.[5] Among those challenges, the report mentions inequality; the low income levels of 45 per cent of workers, who live on less than US$1.25

[2] United Nations Development Programme (UNDP) and Haiti, "2013 MDG report: Haiti — a new look", (Port-au-Prince, UNDP, 2014). Available from www.ht.undp.org/content/haiti/fr/home/library/mdg/rapport-omd-2013---haiti-un-nouveau-regard/.

[3] See www.undp.org/content/dam/undp/library/corporate/HDR/HDR%202015/HumanDevelopmentReport_EN.pdf.

[4] UNDP and Haiti, "2013 MDG report: Haiti — a new look", executive summary, p. 7.

[5] Ibid.

per day; the representation of women in the Parliament, which stands at only 4 per cent; and the lack of measures to combat deforestation and the loss of biodiversity.

30. With respect to inequality in particular, the human development index for Haiti rose from 0.471 in 2013 to 0.483 in 2014, leaving it in 163rd place among the 188 countries and territories surveyed.[6] When this index is adjusted for the inequalities besetting the poorest of the poor, who are deprived of health, education and dignity, it drops to 0.296 (which is a slight improvement over 2013, when it stood at 0.285).[7]

31. A further disparity appears in the gender inequality index. In 2014, Haiti had a gender inequality index rating of 0.603, which was higher than the 0.599 recorded in 2013. That rating situated the country in 138th place in 2014, as compared with 132nd place in 2013.[8] There has been a steady decline in this indicator, as in 2012 the rating was 0.592 and the country was in 127th place.[9]

32. The Independent Expert calls on the authorities to ensure that the new government takes into account, as a matter of priority in its development plan, the need to eliminate the deep social inequality existing in Haiti. To that end, it should take steps geared to significantly improve income levels for workers, health and education for the poorest of the poor, reproductive health for women, and women's empowerment and representation in the Parliament, as well as other issues, within a reasonable period of time, and in general ensure decent living conditions for all.

B. Liberty, deprivation of liberty and detention conditions

(a) Priority action to address prolonged pretrial detention

33. Conditions in places of detention continue to deteriorate as the result of an expanding prison population and spaces that are both too small and unsanitary. The main contributing factor to this situation is the country's practice of prolonged pretrial detention. This ongoing violation of human rights must be eliminated as soon as possible: the obligation enshrined in the International Covenant on Civil and Political Rights (art. 9.3) should not be allowed to go overlooked.

34. On average, persons being held in pretrial detention account for more than 70 per cent of the prison population. The situation is particularly serious at the Reintegration Centre for Minors in Conflict with the Law (CERMICOL), where that figure is 90 per cent; at the women's prison in Pétion-Ville (88 per cent); and at the national penitentiary (87 per cent).[10] It is therefore minors and women who are mostly held in pretrial detention, which is seldom warranted.

35. During his previous mission in February 2015, the Independent Expert visited CERMICOL in Port-au-Prince. Initially built to accommodate a maximum of 70 persons, it was housing over double that amount: 156 minors, only 10 of whom had actually been sentenced. Remand and sentenced inmates were not separated. Two of the children that the Independent Expert met with had been admitted to the detention centre at 12 years of age, which is against the law.

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[6] See www.undp.org/content/dam/undp/library/corporate/HDR/HDR%202015/HumanDevelopmentReport_EN.pdf (table 1, p. 210, and table 2, p. 214).

[7] http://hdr.undp.org/en/countries/profiles/HTI.

[8] Ibid.

[9] A/HRC/28/82, para. 38.

[10] Data from the MINUSTAH Corrections Unit regarding the prison population at 19 November 2015.

36. In February, the Independent Expert had also visited the women's prison in Pétion-Ville. At the facility, which had been built for around 100 persons, he found 324 women, of whom only 35 had been sentenced, living in extremely overcrowded conditions. Some of them had been held in pretrial detention for 10 years. An 86-year-old woman had been in the prison for 6 years without ever having seen the judge who was in charge of her case. All the cells were infested with bedbugs, which plagued the women day and night. The sanitation facilities were not worthy of the name.

37. In September 2015, the Independent Expert visited the Petit-Goâve detention centre, where he had the opportunity to speak with an inmate who had been arrested in December 2007. When the earthquake struck in January 2010, he escaped from the national penitentiary, to which he had been transferred, but was then rearrested in January 2011, meaning that he had been deprived of his liberty for more than 6.5 years. When he asked the authorities to inform him of the accusations against him, a government commissioner admitted that no case file had been opened but said that he could not release the prisoner because he had to conduct an inquiry. This individual was, therefore, being arbitrarily detained in serious violation of the international obligations of Haiti. During the press conference at the end of his visit, the Independent Expert respectfully requested that the authorities immediately release the individual concerned. This case is a clear example of the ongoing abusive practice of prolonged pretrial detention; that practice must be stopped decisively and without further delay.

38. The Minister of Justice is aware of the problem and, at the time of the February 2015 visit, he informed the Independent Expert of some important initiatives that he was intending to launch. One of these initiatives would be the processing — with support from five legal aid bureaux in Port-au-Prince — of 450 cases not subject to a jury trial. Another would be the establishment of a working group to identify inmates being held for misdemeanors who, had they been tried and convicted, would have already served out their sentences. The Ministry was also considering other options for a long-term solution to the issue of prolonged pretrial detention, such as training programmes for judges, reporting requirements and institutional capacity-building, including for judicial inspections.

39. On 2 March 2015, the Minister of Justice launched a special "emergency operation" aimed at reducing prolonged pretrial detention and prison overcrowding by expediting the judicial handling of cases involving detainees who had not yet appeared before the appointed judge or who had already served their sentences and not yet been released. To that end, a commission comprising four deputy government commissioners was tasked with reviewing misdemeanor cases at the centres with the highest levels of pretrial detention.

40. The Minister of Justice issued five memorandums and circulars in March 2015 to remind government commissioners of their responsibilities with respect to, inter alia, the handling of cases and the need to respect procedural deadlines, establish all the facts and assess the appropriateness of prosecution. This approach is commendable and deserves to be integrated into a sustainable long-term strategy.

41. Five months after the launch of the operation, the results were encouraging: 427 cases had been examined by the commission and 119 cases had been tried, 52 of them ending in acquittal. Among those cases, 40 involved juveniles: 2 of the minors were released and 38 were placed in foster care. All of the minors received legal support from the legal aid bureaux.

42. The impact, however, has not been as impressive as one would hope. In fact, the prison population has increased since March. Previously situated at around 10,500 prisoners, the figure, according to the national police, stood at 11,319 prisoners in September 2015. Of them, 8,140 (72 per cent) were being held in pretrial detention, including 379 women, 203 boys and 20 girls.

43. The Independent Expert reiterates his call for the authorities to put an end to prolonged pretrial detention in Haiti by means of, as stated by the Minister of Justice, both short-term and structural measures.

44. Among the short-term measures, there are still plans to appoint groups of judges for a set period of time to examine, with assistance from final-year law students, cases of prolonged pretrial detention. It would also be a good idea to revive the office responsible for monitoring prolonged pretrial detention (or set up a similar team within the Government) to oversee the planning, implementation and monitoring of measures aimed at eliminating this serious human rights violation which is perpetrated in Haiti on a daily basis.

45. Regarding structural measures, it is clear that a change needs to be made to the system whereby investigating judges cannot be reappointed immediately upon expiry of their mandate because they have to wait months to be issued a certificate of good conduct so that the Ministry of Justice can reappoint them. This practice paralyses the administration of justice, since around 50 investigating judges are presently unable to investigate cases involving persons being held in prolonged pretrial detention. The procedure could be reorganized in such a way that certification is ready before the expiry of a judge's mandate, thus allowing judges to be reappointed without any interruption in their work.

46. Resolving the problem of pretrial detention in Haiti is not just an option that the Haitian authorities might wish to consider within the framework of other national management priorities: it is a priority obligation in its own right under the International Covenant on Civil and Political Rights. For that reason, the Independent Expert renews the urgent call made to the Government to take all necessary measures without delay, in line with the Human Rights Committee's concluding observations on the initial report of Haiti in late 2014 (CCPR/C/HTI/CO/1, para. 15).

(b) Other aspects concerning detention conditions

47. According to the national police, in September 2015 the country's prisons housed 11,319 prisoners — against planned capacity estimated at between 4,000[11] and 6,000[12] — in spaces that were both unsanitary and not being expanded. That works out to an occupancy rate of 804 per cent for the country overall, with the space per inmate dropping from 0.59 m^2 in June 2014 to 0.55 m^2 in July 2015[13] and to 0.54 m^2 in November 2015.[14] The inhumane, degrading conditions referred to in the Independent Expert's previous report were worsening.

48. During his September 2015 visit to the Petit-Goâve police station, which is not a prison facility, the Independent Expert observed two detention cells that measured around 30 m^2 each. The two cells were holding 172 persons: about 86 in each. Prisoners had to take turns sleeping; some slept in improvised hammocks strung from the ceiling. They were not given authorization to leave the cell for at least one hour of suitable exercise in the open air daily,[15] because the guards felt they lacked means in order to monitor the prisoners. The prisoners were clearly being kept in inhumane conditions.

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[11] According to information provided orally by the prisons administration.

[12] According to the International Centre for Prison Studies, the capacity was 5,958 at 1 August 2014 (www.prisonstudies.org/country/haiti).

[13] The international standard is 4.5 m^2 per prisoner. In extreme cases, 2.5 m^2 per prisoner is permitted for short periods.

[14] MINUSTAH Corrections Unit data for the incarcerated population at 19 November 2015.

[15] Standard Minimum Rules for the Treatment of Prisoners, para. 21 (1).

49. Sanitation facilities at places of detention are inadequate. At the Petit-Goâve police station, prisoners have no privacy and the conditions are unsanitary. Each of the two cells, holding 86 persons each, had a single toilet in one corner, which was a source of parasites and roaches that plagued prisoners. Similar observations had been made by the Independent Expert at the prisons visited during previous missions.

50. The overcrowding at CERMICOL and, especially, at the women's prison and the Petit-Goâve police station is not only inhumane and degrading but it is also unjust for the vast majority of the inmates, who are being deprived of their liberty through a situation of prolonged pretrial detention. The same holds true for the detention centres visited by the Independent Expert during previous missions, namely at Les Cayes (610 prisoners in a space with capacity for 100), the Aquin police station, the prison in Jacmel and the national penitentiary in Port-au-Prince.

51. Detention centres continue to lack means that would allow prisoners to work or study. Health care and food services are very tenuous.

52. Appropriate sanitation facilities, proper access to food and health care, the possibility for prisoners to work or study and the availability of humane spaces for daily living and recreation are some of the fundamental conditions that need to be provided as soon as possible. The Independent Expert is obliged to reiterate the call made in this regard to the Haitian authorities in his previous reports.

C. Institutional weakness: the weak rule of law

53. The situation concerning the rule of law has not shown any signs of improvement since the previous report. The people of Haiti thus continue to lack guarantees for the exercise of many of their basic rights inasmuch as the key elements for the realization of these rights are partly, or sometimes fully, inoperative.

(a) Priority action to ensure the right to participation in public life

54. In previous reports, the Independent Expert had indicated that the right of citizens to vote and to stand for election was often flouted in Haiti and that uncertainty about election rules was a problem that went to the very heart of the country's institutional life and thus urgently needed a solution. The systematic postponing of the elections since 2011 had led to the executive branch directly appointing local authorities in several municipalities (rather than by election) and to a standstill in the Senate and Chamber of Deputies in January 2015. In the absence of a National Assembly, the Government could have taken over the legislative function by way of presidential decrees, which would have been a very dangerous scenario for democratic life.

55. In an effort to resolve this situation and organize elections, in late 2014 the President empanelled an advisory commission that subsequently recommended that a new government be formed. On 12 December 2014, the President announced that he accepted the commission's recommendations, which included replacing the Prime Minister, Laurent Lamothe. On 25 December 2014, Evans Paul was appointed Prime Minister by presidential decree.

56. The new government set as one of its primary, and almost exclusive, tasks the holding of elections in 2015. To that end, a schedule was drawn up for three different election days: 9 August for legislative elections, 25 October for the second round of legislative elections and the first round of the presidential elections and 27 December for the second round of the presidential elections.

57. The 9 August elections were marked by a series of irregularities, according to qualified observers such as the Election Observation Mission of the European Union.

58. Human rights organizations — operating through the National Network for the Defence of Human Rights, the National Election Observation Council and the Haitian Council of Non-State Actors — closely monitored nearly one half of the polling stations (728 out of 1,508, or 48.27 per cent). They issued a detailed report on incidents observed, including acts of violence, before the elections (five murders and two attempted murders occurred between 9 July and 2 August) as well as on the day of the elections (acts of violence and electoral fraud were reported at no fewer than 104 polling stations). Several members of polling station committees were alleged to have infringed the law on the day of the elections; and numerous candidates, accredited observers and others reportedly attempted to influence voters on polling station premises. This was made possible in some cases by the use of flimsy cardboard booths that did not ensure voters' privacy, ballot boxes that in some instances were no more than see-through bags, and ink that did not show up immediately on the voter's finger, thus allowing him or her to vote more than once. A total of 102 polling stations had been set up in inappropriate venues, such as private homes or nightclubs. There was also some uncertainty surrounding the eligibility requirements for candidates and the arbitrary exclusion of some candidates.[16] The national turnout rate of just 18 per cent was even lower in the capital and was highlighted as a cause for concern.

59. In the light of such serious irregularities, the aforementioned national observers called for an earnest and independent investigation of the Provisional Electoral Council (CEP) and for a thorough review of the election process to be conducted with an eye to establishing responsibilities, remedying errors and creating a climate of trust in support of future elections.[17]

60. This call was heard, at least in part, by the Government and by CEP, and the elections on 25 October took place in more favourable conditions. The turnout rate was 25 per cent. According to the Election Observation Coalition, made up of the three non-governmental groupings mentioned earlier plus a fourth one (Solidarité Fanm Ayisyèn), CEP took into consideration some of the Coalition's recommendations, in particular with regard to preparations for the balloting. Specifically, accreditations were issued sufficiently in advance, election materials were available at most of the polling stations, the national police ensured proper security during the voting and most of the polling station committees included at least one woman.[18]

61. At the same time, however, the Election Observation Coalition drew attention to several irregularities that had led it to conclude that those efforts were not enough to be able to say that the 25 October elections had been conducted in accordance with democratic principles. Among the practices reported were that polling stations had again been set up in private establishments, voting booths did not ensure privacy and the ink used could be

[16] National Network for the Defence of Human Rights, National Election Observation Council and Haitian Council of Non-State Actors, "Rapport sur le premier tour des élections législatives partielles"(Report on first round of partial legislative elections), Port-au-Prince, 25 August 2015. See http://touthaiti.com/touthaiti-actualites/4549-election-9-aout-2015-rapport-complet-sur-le-premier-tour-des-elections-legislatives-partielles-rnddh-cno-conhane.

[17] Ibid., p. 57.

[18] Solidarité Fanm Ayisyèn, National Election Observation Council, Haitian Council of Non-State Actors and National Network for the Defence of Human Rights, "Scrutin du 25 octobre 2015: une vaste opération de fraude électorale planifiée" (Elections of 25 October 2015: massive, planned electoral fraud), Port-au-Prince, 12 November 2015, p. 46 (http://touthaiti.com/touthaiti-actualites/4664-rapport-complet-scrutin-du-25-octobre-2015-une-vaste-operation-de-fraude-electorale-planifiee-rnddh-et-la-coalition-des-observateurs).

easily removed from the fingers. In addition, a number of violations had allegedly been committed by observers of questionable status who were not members of civil society but who had themselves admitted to being observers on behalf of a political party. Such irregularities, in the Coalition's view, could point to the possibility of fraud. To prevent that from happening again, the Coalition recommended inter alia that the Government should publish the names of election observation institutions having received some form of State support and that CEP should investigate the activities of the election observation bodies, conduct an audit of the electoral process and take corrective measures in advance of the December 2015 elections.[19]

62. On 10 November 2015, CEP issued a communication stating that Unité Nationale pour le Développement Appliqué (UNADA) had been removed from the list of national agencies accredited to observe election processes because of fraud and selling of accreditations.[20]

63. According to the preliminary count after the first round of the presidential elections as announced by CEP, Jovenel Moïse — the candidate of the President's party, Parti haïtien Tèt Kale (PHTK) — received 32.81 per cent of the 1,538,393 valid ballots (or 511,992 votes). Jude Célestin, of Ligue alternative pour le progrès et l'émancipation haïtienne (LAPEH), came in second with 25.27 per cent (394,390 votes); Moïse Jean-Charles, of the opposition party Pitit Dessalines, came in third with 14.27 per cent (222,646 votes); Maryse Narcisse, of Fanmi Lavalas, a party close to the former President Mr. Aristide, came in fourth with 7.05 per cent (110,049 votes); Éric Jean-Baptiste, of Mouvement Action Socialiste (MAS), came in fifth with 3.63 per cent (56,671 votes); and Jean-Henry Céant, of Renmen Ayiti, came in sixth with 2.50 per cent (39,005 votes). The remaining 13.05 per cent was split among 48 other candidates, only 3 of whom garnered over 1 per cent of the vote; 1.42 per cent of the ballots cast were blank.[21]

64. One of the nine members of CEP, Jaccéus Joseph, who represents the human rights sector, did not sign the preliminary count of the 25 October presidential elections or the one for the 9 August legislative elections. Although initially he gave no explanation,[22] he later stated that the basic reason for declining to sign was simply that he had doubts.[23]

65. Immediately after the preliminary results were made public, the candidates that had come in second to seventh challenged the count and signed a statement saying that the results were reminiscent of the official elections held under the dictatorial regimes.[24]

66. On 12 November, CEP issued a correction to press release No. 92 stating that 490 polling station reports had been declared invalid, instead of the 296 previously announced,

[19] Ibid., pp. 46-50.

[20] Provisional Electoral Council, "L'UNADA est retirée de la liste des organisations d'observation électorale" (UNADA removed from list of election observers), press release No. 80, 10 November 2015 (www.cephaiti.ht/Information-electorale/108-COMMUNIQUE-DE-PRESSE-80.html).

[21] Provisional Electoral Council, "Élections octobre 2015 — Résultats préliminaires — Président premier tour"(October 2015 presidential elections: first round preliminary results), 5 November 2015 (https://electionpresidentielle.cephaiti.ht/rapport_PR/resume-presidentielle.pdf).

[22] Le Nouvelliste, "Résultats: Jaccéus Joseph, membre du CEP, n'a ni signé, ni expliqué" (CEP member Jaccéus Joseph does not sign count nor gives explanation), Port-au-Prince, 9 November 2015 (http://lenouvelliste.com/lenouvelliste/article/152232/Resultats-Jacceus-Joseph-membre-du-CEP-na-ni-signe-ni-explique#sthash.5xnc077H.dpuf).

[23] Haïti Libre, online version, "Haïti — Actualité: Zapping electoral …" (Election information updates), 13 November 2015.

[24] Les voix du monde, "Présidentielle en Haïti: les résultats du premier tour contestés" (Haiti presidential elections: first-round count contested), 7 November 2015. See www.rfi.fr/ameriques/20151107-haiti-manifestations-resultats-premier-tour.

because they presented signs of various kinds of fraud. These included the number of votes exceeding the number of registered voters at a given polling station, discrepancies between numbers indicated in figures and written out in words on the ballot total, fraudulent alteration and other irregularities.[25]

67. The elections slated for 25 December did not take place. On 16 December, the executive branch decided to establish the Electoral Evaluation Commission. On 21 December, CEP postponed the elections sine die because of the implications that the Commission's recommendations could have for the subsequent election calendar.[26]

68. The Commission submitted its report to the President on 3 January 2016 and a new date for the second round of the presidential elections was announced (24 January 2016). Among other recommendations, the Commission concluded that, in order to move forward with the process and ensure a meaningful turnout in a calm setting, two things were necessary: political dialogue among the various stakeholders and a thorough technical review of the election machinery's accountability with regard to irregularities that seemed to point to large-scale fraud.[27]

69. The Independent Expert hopes that the Haitian authorities will continue to address the problems surrounding the elections. The political dialogue and thorough review of the irregularities as recommended by the Electoral Evaluation Commission could help to boost the legitimacy of the elections for a new President, whose five-year term of office should begin on 7 February 2016, according to the Constitution.

(b) Other elements of the rule of law that need to be guaranteed

70. The other areas indicated in the Independent Expert's previous reports as being in need of significant improvement have not seen any change in their situation: development of a reliable land registry system, failure of judges and court officials to handle matters for which they are responsible, little respect for the right to life (which undermines the executive branch's ability to protect this right) and the continuing exploitation of children as domestic workers (*restavèk*).

71. It should be noted that a draft bill to amend the Criminal Code was presented to the President in March 2015. The text incorporates some important human rights content, such as protection against double jeopardy, human trafficking, discrimination (including on the basis of sexual orientation), genocide, crimes against humanity and torture, in line with the definition provided in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the decisions and practice of the Committee against Torture, including psychological torture. In addition, the revised version provides greater protection for women by codifying harassment and strengthening legal penalties for sexual abuse.

72. Having a State built on the rule of law is one of the main challenges facing Haiti and it is something that the country direly needs. The Independent Expert wishes to underscore the importance of re-establishing the position of Deputy Minister for Human Rights and relaunching the work of the Interministerial Committee on Human Rights. These two

[25] Provisional Electoral Council, Office of the President, "Note rectificative du communiqué de presse n° 92" (Correction to press release No. 92), Pétion-Ville, 12 November 2015 (www.hpnhaiti.com/site/pdf/490pv.pdf). For press release No. 92, of 11 November 2015, see www.cephaiti.ht/Information-electorale/120-COMMUNIQUE-DE-PRESSE-92.html.

[26] Provisional Electoral Council, press release No. 104, 21 December 2015. See www.cephaiti.ht/Information-electorale/.

[27] Report of the Independent Electoral Evaluation Commission, Pétion-Ville, 2 January 2016, p. 12.

actions will be key in ensuring that human rights issues are accorded due prominence when tackling the causes of the country's sharp inequality, as well as for purposes of coordinating the reports that Haiti is to submit to the human rights bodies and to the Human Rights Council, in particular for the universal periodic review in 2016.

D. Impunity and violations committed in the past

73. The fourth aspect, which is closely linked to bolstering the rule of law, is the fight against impunity. This issue should be afforded priority attention in the search for a solution to the critical situation of human rights in Haiti.

(a) Priority action to provide redress for human rights violations committed in the past

74. It is crucial to continue with the proceedings launched against the human rights violations perpetrated under the regime of the former dictator Jean-Claude Duvalier. No significant headway has been made since he died in October 2014. The proceedings need to move forward against his cohorts in the dictatorship. For that, the investigating judge must be assured independence, security measures need to be strengthened and additional resources (human, physical and financial) must be made available to follow through with this high-profile and symbolic case. The investigating judge should be relieved of all other cases in order to devote himself entirely to the Duvalier case.

75. The Independent Expert wishes to repeat his recommendation that a national commission be set up to provide redress to the victims of serious violations committed in the past under the regime of the two Duvaliers (father and son) and the military, as well as acts of violence perpetrated by groups supporting or opposing President Aristide. The Independent Expert repeats his recommendation that such a commission be set up, following on the similar idea proposed in 1995 for the National Truth and Justice Commission created for the victims of the 1991 coup. Aside from overseeing material reparations and judicial declarations of responsibility, the commission could contribute in the medium and long terms to defining educational activities aimed at re-establishing the right to memory; this would ideally redound in a substantial improvement of the human rights situation in Haiti.

76. It is important to recall that, at the time the report of Haiti was considered in 2014, the Human Rights Committee shared the Independent Expert's view as to the urgency of taking action on violations committed in the past and recommended that the investigation of the Duvalier case be continued so that all persons responsible for serious violations committed during that time would be brought to justice and the victims would be given fair and equitable redress. The State should implement the recommendations of the National Truth and Justice Commission in respect of the serious violations committed between 1991 and 1994 (CCPR/C/HTI/CO/1, para. 7).

(b) The need for a stronger and more credible judicial system to combat impunity

77. In Haiti, impunity is not limited just to cases of human rights violations. The judicial system must have stronger guarantees of independence and the High Council of the Judiciary must be helped to operate more effectively: this will build greater credibility for the institutions fighting impunity, especially in cases involving murder (starting with those attributed to agents of the State), sexual violence and attacks against human rights defenders. The Independent Expert makes a call once again to the country's authorities in this regard, as also expressed by the Human Rights Committee at the time it considered the report of Haiti in 2014 (CCPR/C/HTI/CO/1, paras. 16 and 17).

E. Humanitarian crises linked to other factors having an impact on human rights

78. The fifth aspect, which stands in the way of many Haitians being able to enjoy their human rights, is composed of violations stemming from other factors, such as forced displacement in the wake of natural catastrophe, statelessness and the cholera epidemic.

(a) Priority action for displaced persons

79. Some 60,000 people are still living in camps that were set up for displaced persons after the 2010 earthquake. Efforts must continue to be deployed to ensure that these people have the means to live decently. At the time of the Independent Expert's third visit, in March 2015, the total number had been 80,000. There is no denying the progress made, but it must be maintained and indeed increased in order to find long-term, decent housing solutions without further delay for the many families who are still living in harsh conditions in these camps six years after the earthquake.

80. Resources made available through Canadian cooperation will be administered by the International Organization for Migration to meet the needs of these 60,000 individuals. That is very welcome news in the face of this dramatic situation.

81. The people sheltered in these camps continue to live in constant threat of being forcibly evicted by the property owners, which represents a further menace to their already flouted rights. The Independent Expert again echoes the call made by the Human Rights Committee to the Government to the effect that it ensure that no one is evicted from a camp unless some other solution has been found for the person and his or her family and ensure that all those displaced by the earthquake receive a long-term solution for their housing situation (CCPR/C/HTI/CO/1, para. 18).

(b) Statelessness and the rights of Haitians and persons of Haitian origin migrating from the Dominican Republic

82. In his previous mission, the Independent Expert had accorded special attention to the situation of Haitians and persons of Haitian origin leaving the Dominican Republic for Haiti. During his visits to Haiti, the Independent Expert heard accounts of acts of discrimination that had targeted persons of Haitian origin in the Dominican Republic. The Independent Expert wishes to express his solidarity with the people of Haiti on this matter and repeats the call made to the Haitian authorities that an agreement be reached with the Dominican authorities to ensure that the rights of persons of Haitian origin are respected and to end the discrimination and risk of statelessness to which these individuals are exposed.

(i) Returnee camp at Anse-à-Pitres

83. In September, the Independent Expert went to Anse-à-Pitres, located in southern Haiti on the border with the Dominican Republic. Some 2,500 persons were living there in five separate camps in very harsh conditions: tents made of cardboard and plastic, no food or safe drinking water, no appropriate sanitation. This posed (and continues to pose) a risk for the spread of diseases such as cholera. The camp visited by the Independent Expert had two latrines for roughly 500 persons. Children and adolescents had nowhere to study. Some residents were making charcoal by gathering wood from nearby areas, which had led to noticeable deforestation. There were no health-care services and most of the people had no identity documents.

84. The local mayor's office and a committee made up of NGOs and cooperation agencies were doing what they could to help camp residents. There was talk of moving the

residents to their place of origin in Haiti and giving them a small subsidy to get them started. The move would need to happen quickly, as the rainy season was about to begin and the tents were not likely to hold up against the rains.

85. The camp residents said that they had not been expelled by the Dominican authorities. They defined themselves as "voluntarily displaced people" who had moved "under pressure": they had feared being deported by the Dominican Republic after that country's Government announced that all persons in irregular status would be deported as from 17 June 2015. They had thus left of their own volition.

86. While acknowledging the right of the Dominican authorities to control migration in their national territory, the Haitian authorities have requested that the 1999 Protocol between the two countries be revisited so that the names and status of persons to be deported would be made available sufficiently in advance.

87. The Independent Expert also called on the Haitian authorities to take urgent steps to ensure that persons entering from the Dominican Republic, whether deported or displaced "under pressure", had access to health care, education and sanitation, as well as food and drinking water.

88. The Independent Expert wishes also to point out that, without diminishing the significance of the important specificities of the rights of Haitians and persons of Haitian origin living in the Dominican Republic, the situation of displaced persons in the camps at Anse-à-Pitres is similar to that of the displaced persons living in the camps set up after the 2010 earthquake and other natural catastrophes in Haiti. Means of subsistence are lacking entirely, beginning with the right to housing, but other fundamental rights are at stake as well. This confirms the need for a coherent social assistance policy in order to meet the basic needs of thousands of Haitians who still have nowhere to live other than in camps for displaced persons.

(ii) Some considerations concerning statelessness

89. The Independent Expert is concerned by two aspects of statelessness: (1) the risk of statelessness for Haitians not possessing identity documents; and (2) the risk of statelessness for persons of Haitian origin born abroad, namely in the Dominican Republic, who are denied access to a nationality by virtue of Haitian law, the law of the country of their birth or other practices.

90. With regard to the first aspect, limitations in the country's civil registry system and local habit sometimes impede enjoyment of the right to Haitian nationality for individuals who acquire it automatically pursuant to the principle of *jus sanguinis* as established in Haitian legislation. In 2011, it was estimated that between 20 and 40 per cent of the children born in Haiti were not registered when they were born, thus placing them at risk of statelessness. Many Haitians not in possession of a document attesting to their nationality are at risk of statelessness because of this and numerous other factors. An awareness campaign should be launched to draw attention to the importance of registering babies at birth.

91. The Independent Expert notes that some progress has been made in this area, for example through the Organization of American States project for the modernization and integration of the civil registry system in 2012. Under the project, the Government was able to issue birth certificates for thousands of children and identity cards for millions of adults, at the same time as it modernized the civil registry system. The Independent Expert encourages the Government to step up its efforts to ensure that all Haitians have access to an identity document.

92. As to the risk of statelessness for persons of Haitian origin born in the Dominican Republic, the Independent Expert made reference in his previous report to the judgement of the Inter-American Court of Human Rights of 28 August 2014. That Court had found Judgement TC/0168/13 of the Constitutional Court of the Dominican Republic to be in violation of the American Convention on Human Rights inasmuch as the Dominican Court had held that anyone born in the Dominican Republic after 1929 to parents who were foreign nationals in irregular immigration status was not entitled to Dominican nationality, even if that person had already acquired the right to such nationality.

93. The Inter-American Court of Human Rights found as well that some of the provisions of Act No. 169-14 of 23 May 2014 violated the American Convention on Human Rights. The Act was intended to remedy, to some extent, the situation of children born in the Dominican Republic to parents who were non-resident aliens, i.e., part of the group covered by Judgement TC/0168/13. Individuals were classed into two groups (A and B). Group A comprised those who had managed to get registered in the Dominican civil registry; group B comprised those who had not. The people in group A automatically would be considered Dominican nationals. Those in group B would have a specific time frame within which to register themselves in a special registry of aliens in order to later normalize their migration status under the National Plan for the Regularization of Aliens. Two years after being granted immigrant status, persons in group B could apply to be naturalized and acquire Dominican nationality. The Inter-American Court determined that, by considering these persons as foreigners, Act No. 169-14 was essentially retroactively depriving them of nationality.

94. The foregoing notwithstanding, the Dominican Government has continued to enforce Act No. 169-14. With regard to group A, the Central Election Board published on 25 June 2015 a list of 55,000 individuals who were invited to collect their document attesting to their Dominican nationality; the Independent Expert applauds that measure. There are, however, some persons of Haitian origin in group A whose name did not appear on the list or who, even if on the list, did not receive their document because of red tape or financial issues. These persons are currently at risk of statelessness inasmuch as they do not hold Dominican nationality and they could, because of restrictions under Haitian legislation, be impeded from acquiring Haitian nationality.

95. With regard to group B, the Dominican Government has indicated that only 8,755 persons had applied for registration in the aliens registry by the set deadline. Thousands of people in group B, most of them persons of Haitian origin, are thought not to have been able to register under the procedure set out in Act No. 169-14. These people are at permanent risk of being left stateless. They no longer have access to Dominican nationality through naturalization, nor are they guaranteed Haitian nationality. The people registered in the aliens registry are similarly at risk of statelessness until such time as they are recognized as Dominican nationals by way of naturalization.

96. Furthermore, as long as the persons in groups A and B are not considered Dominican nationals, their children will be at the same risk of statelessness.

97. The Independent Expert thus calls on the international community to take appropriate steps in order that the Dominican Republic honour its international obligations with regard to statelessness. Specifically, the Dominican Republic should be encouraged to desist from denying Dominican nationality to the persons in groups A and B and to their children in order to eliminate the risk of statelessness for persons of Haitian origin in the Dominican Republic.

98. As to the regularization of the immigration status of Haitians residing in the Dominican Republic, the Independent Expert acknowledges the good practices adopted by the Dominican Government under the National Plan for the Regularization of Aliens, as a

result of which 288,486 people were registered. Over 200,000 of them, mostly individuals of Haitian origin, met the eligibility requirements under the Plan and were granted official immigrant status for a period of one or two years.

99. Concerning deportations, the Independent Expert hopes that the Dominican Republic will take appropriate steps to prevent the deportation of persons who are stateless or at risk of being stateless or of Dominicans of Haitian origin. In the view of the United Nations High Commissioner for Refugees, the expulsion of these individuals would lead to violations of their human rights and would create a refugee situation in Haiti. As for the expulsion of Haitians in irregular immigration status, the Dominican Republic should be encouraged to observe international standards on this matter.

(c) Commission on truth, justice and redress for cholera victims

100. The cholera epidemic continues to plague the country. The efforts to eradicate the disease have been insufficient.

101. In October 2015, the epidemic was declared in Anse-à-Pitres. The Independent Expert had been in Anse-à-Pitres a month earlier visiting camps of refugees coming from the Dominican Republic and had notified the authorities in the hope of preventing this from happening. Between the declaration of the epidemic and 22 November 2015, 17 deaths were registered in the commune of Anse-à-Pitres. More than 40 people had been infected, and 90 suspected cases had been recorded. Parc Cadeau I and II and the areas of Fonds Jeannette and Tête à l'Eau were the hardest hit. According to information from an interview conducted by the Refugees and Returnees Support Group with the director of the Anse-à-Pitres health centre on 21 November 2015, the epidemic had intensified because of poor basic sanitation infrastructure in the commune.[28]

102. With the epidemic not abating but indeed spreading, efforts to tackle this catastrophe must be redoubled. In addition, a commission for redress should be created, as a matter of urgency, to quantify the harm done, establish compensation, identify responsible parties, halt the epidemic and take other measures in line with the principles adopted by the General Assembly in December 2005.[29]

III. Conclusions and recommendations

103. **Based on his own observations and those of his predecessors over a period of three decades, the Independent Expert had proposed in previous reports that priority be given to five key aspects and that efforts be concentrated on those aspects to ensure proper focus of resources and energy and to facilitate tracking of results. The Independent Expert had also proposed that urgent action be taken in a specific area for each of the five aspects identified.**

104. **These five aspects are as follows: (1) the fragile economic and social situation in which the majority of the population lives; (2) inhumane conditions and overcrowding in prisons; (3) the weak rule of law; (4) impunity with respect to human rights**

[28] Radio Métropole, "Flambée du choléra à Anse-à-Pitres" (Cholera outbreak in Anse-à-Pitres), 27 November 2015.

[29] Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

violations committed in the past; and (5) the impact of natural disasters and other factors undermining respect for basic rights.

105. According priority to these five aspects and their associated critical problem areas remains a valid course of action. The Independent Expert reiterates the recommendations made in that regard in his previous report,[30] particularly the adoption of urgent measures to ensure:

(a) That illiteracy is eradicated within a reasonably short time frame;

(b) That the practice of prolonged pretrial detention is eliminated, for instance by extending initiatives such as the special emergency operation and broadening their scope to include felony cases while ensuring availability of the financial resources necessary to ensure their proper functioning;

(c) That the legislative and presidential elections are reviewed and carried through to completion;

(d) That a truth, justice and redress commission is established in respect of the large-scale, systematic human rights violations committed in the past;

(e) That decent housing is made available for persons displaced by the earthquake who are still living in camps;

(f) That a truth, justice and redress commission is established for the victims of the cholera epidemic and as part of the efforts to halt the epidemic;

(g) That the rights of Haitians and persons of Haitian origin living abroad or having previously been at risk of statelessness abroad, particularly in the Dominican Republic, are protected. It is also important that the Haitian authorities provide persons arriving from the Dominican Republic with adequate shelter and conditions that ensure respect of their human rights and establish long-term integration programmes. There is also a need to raise public awareness about the importance of registering all births, whether in Haiti, the Dominican Republic or elsewhere.

106. In addition, a plan of action to promote and protect human rights should be put in place by the authorities, in cooperation with civil society and the Office of the Ombudsman, with a view to devising structural measures that will:

(a) Bring about a substantial reduction in social inequality and ensure the enjoyment of a basic level of social, economic and cultural rights by the entire population;

(b) Make prison conditions more humane, including by reducing prison overcrowding, providing appropriate health and sanitation facilities, ensuring that food is available for prisoners and making it possible for inmates to work or study while in prison;

(c) Strengthen the rule of law;

(d) Improve the effectiveness and credibility of the judicial system.

107. Special attention should be accorded to women's rights in all the above-mentioned areas as part of the effort to reduce the extreme gender inequality in Haiti.

108. To restore the situation of human rights in the country, it is strongly recommended that there be, at the highest level of the executive branch, a human

[30] A/HRC/28/82, paras. 87-92.

rights entity with capacity to ensure the effective operation of the Interministerial Committee on Human Rights.

109. **The Independent Expert continues to consider that the human rights situation in Haiti, although extremely serious, can be surmounted if all efforts expended to achieve that goal are channelled in the same direction. The Independent Expert issues a special call to the authorities, civil society and the international community to build strong consensus in that regard, for which the starting point could be these or other more relevant recommendations, as appropriate, but nonetheless a consensus that could elicit strong political will and perseverance of efforts to achieve a set of core results.**

110. **The Independent Expert reaffirms his strong commitment to assist in this undertaking.**

111. **Bearing in mind the MINUSTAH consolidation plan and the ongoing discussions regarding the presence of the United Nations in Haiti, it will be important to ensure that the Office of the United Nations High Commissioner for Refugees maintains a presence in Haiti to support the effort to secure and guarantee the full enjoyment of human rights in the country.**